

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHIKEZIE OTTAH,	:	CASE NO. 1:11-cv-06187-RMB
	:	
PLAINTIFF,	:	[JUDGE RICHARD M. BERMAN]
	:	
VS.	:	
	:	
VERIFONE SYSTEMS, INC.,	:	<u>DECLARATION OF AVI ITZHAKOV</u>
	:	<u>IN SUPPORT OF DEFENDANT’S</u>
DEFENDANT.	:	<u>MOTION FOR SUMMARY JUDGMENT</u>
	:	<u>OF NON-INFRINGEMENT</u>
	:	

**DECLARATION OF AVI ITZHAKOV IN SUPPORT OF DEFENDANT VERIFONE
SYSTEMS, INC.’S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

I, Avi Itzhakov, hereby declare and state as follows:

1. I am an employee of Defendant VeriFone Systems, Inc., (“VeriFone”) in the above-captioned civil action. I am submitting this Declaration in support of VeriFone’s brief on its motion for summary judgment of non-infringement of the patent asserted in the matter, U.S. Patent No. 7,152,840.

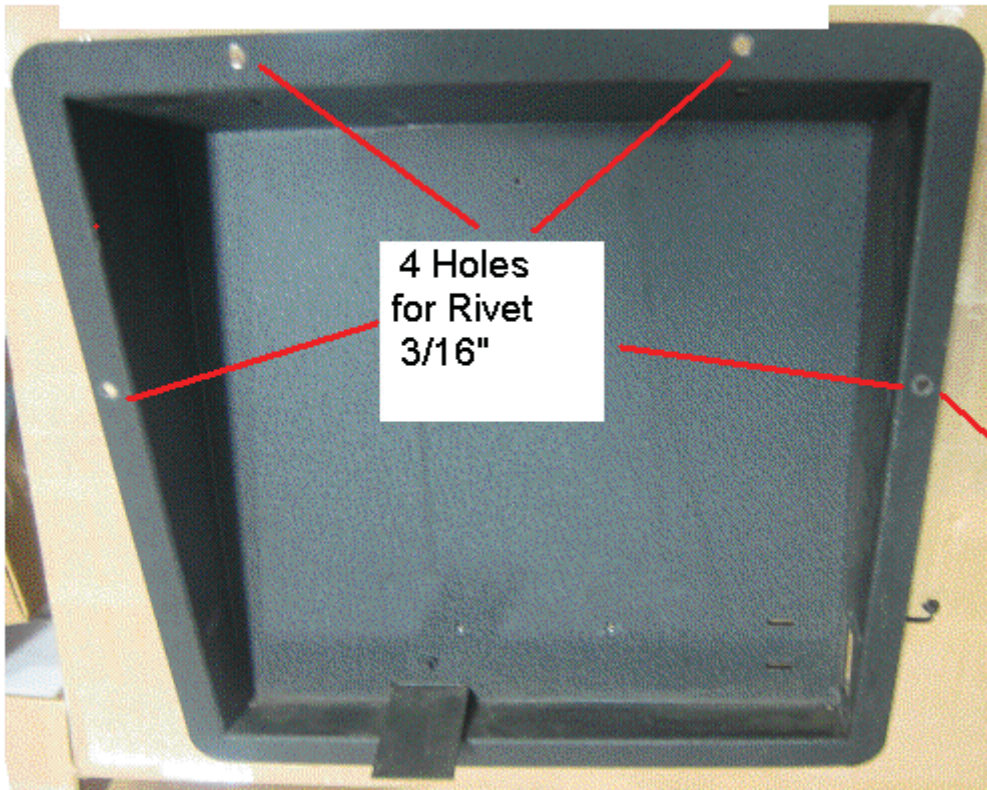
2. I am over eighteen (18) years of age and am competent to testify as to the matters set forth herein. I make the following statements based on my personal knowledge unless expressly otherwise stated.

3. The following photograph (Photo V1) shows a VeriFone mount riveted to a taxi cab partition, and an electronic display (passenger interface monitor or PIM) positioned within the mount, and a VIVO credit card reader, as typically installed in taxi cabs, for example in New York in a Toyota Sienna minivan.

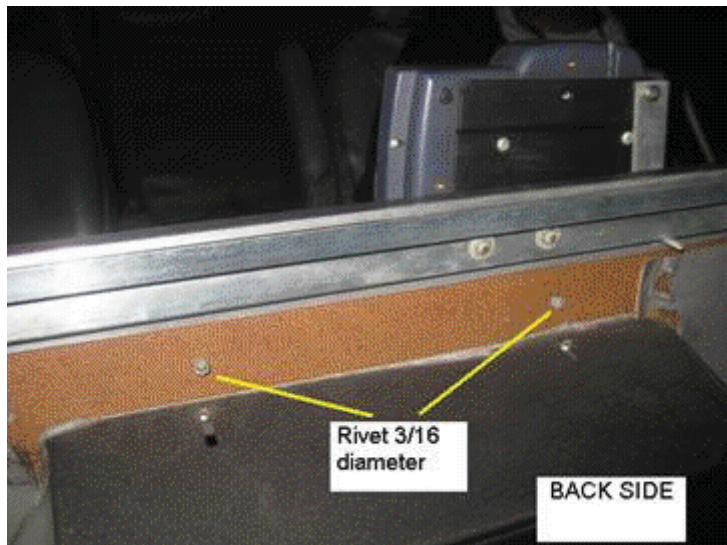


4. The following photograph (Photo V2) shows just the VeriFone mount, without the display, with the mount shown in position for riveting to the taxi partition. The photo identifies four rivet holes in the mount for permanent, immobile attachment to the partition.

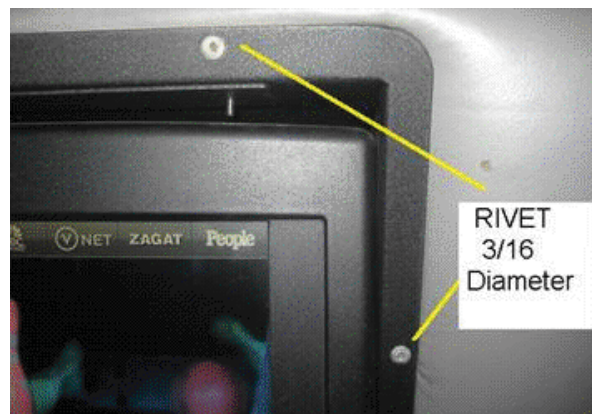
NY PIM CASE PARTITION MOUNT



5. The following photograph (Photo V3) shows the VeriFone mount from the opposite side of the taxi partition, identifying two upper rivets in place securing the mount to the partition, and also showing the back of the VIVO card reader which is permanently secured to a bracket, which is in turn riveted to the partition.



6. The following photographs (Photos V4 and V5) show close-up views of the rivets in the VeriFone mount, with the display in place, and two of the pins that act as stops to prevent removal of the display from the mount, while allowing slight adjustment of the viewing angle of the display within the mount.



7. The following photograph (Photo V6) shows the bracket to which the VIVO card reader is permanently secured, and which is in turn riveted at a lower portion to the VeriFone mount and at an upper portion to the partition (see photos V3 and V4, above).



8. No VeriFone mount or installation of a mount includes any of the following in any form:

- a. a book holder for removable attachment;
- b. a book support platform with a plurality of clamps disposed on the front surface of the platform to engage and retain a book;
- c. a clasp for removable attachment of the book holder with:
 - 1) a clip body, or
 - 2) a clip head attached to the clip body, or
 - 3) resilient clip arms adjustably mounted on the clip head; or
- d. an arm with a telescoping arrangement between a first end and a second end, with:
 - 1) a clasp on the first end or
 - 2) a book support platform pivotally attached to the second end; or
- e. the clasp spaced from the book support platform; or

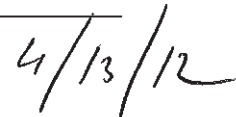
f. the book holder is adjusted to a reading position by the telescoping arrangement axially adjusting the spaced relation between the book support platform and the clasp and the pivotal connection on the book support platform pivotally adjusting the front surface with respect to the arm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 13th day of April 2012.

A handwritten signature in black ink, appearing to read 'R. Itzhakov', written over a horizontal line.

Avi Itzhakov

A handwritten date '4/13/12' in black ink, written below the signature line.